

21.02.2024
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 468 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.02.2024 in connection with Lalgah Police Station Case No.80 of 2023 dated 16.10.2023 under Sections 341/325/302/34 of the Indian Penal Code. (G.R. Case No.988 of 2023)

And

In Re: **Ashit Bhui**

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

... .. for the petitioner

Mr. S. S. Imam
Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 109 days. It is further submitted incident occurred in course of a sudden quarrel. Petitioner is not the principal offender. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits a spade was recovered from the petitioner.
3. We have considered the materials on record. Statements of eyewitnesses show there was a quarrel and a free fight between the parties. Petitioner did not deal the fatal blow. Apart from the injury from the fatal blow dealt by co-accused viz. Debendra Bhui, no other injury is noted in the post-mortem report. Spade recovered from the petitioner is an object available in every village home. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Ashit Bhui**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand

only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jhargram subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)